

IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

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Plaintiff,

69cv07941 JEC-ACE

v.

RIO CHAMA STREAM SYSTEM
Section 3: Rio Nutrias, Rio Cebolla
& Canjilon Creek

Ramon Aragon, *et al.*,

Defendants.

**MOTION TO SET ASIDE ENTRY OF DEFAULT
AND WITHDRAW MOTION FOR DEFAULT JUDGMENT**

COMES NOW the plaintiff, State of New Mexico, *ex rel.* State Engineer, by and through his attorneys, and moves the Court to set aside the clerk's entry of default and withdraw its Motion for Default Judgment (Docket No. 6753), filed June 19, 2002, for the following defendants:

Samuel S. Serrano CHCJ-002-0003; CHCJ-003-0002

Shirley Soberanez CHCJ-003-0013

Theresita M. Trujillo CHCJ-004-0053

As grounds therefore plaintiff states that the Clerk's Certificate of Default (Docket No. 6530) with respect to Samuel S. Serrano and Shirley Soberanez was entered on February 11, 2002. The Clerk's Certificate of Default (Docket No. 6489) was entered on January 16, 2002, with respect to Theresita M. Trujillo.

The Motion for Default Judgment (Docket No. 6753) with respect to the above named defendants was filed June 19, 2002, and notice of that motion was mailed to defendants on June 21, 2002. Since the mailing of the notice, the above named defendants have either signed a consent order

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that will adjudicate their water rights by agreement, or have indicated to plaintiff a willingness to work with the state to adjudicate their water rights by agreement.

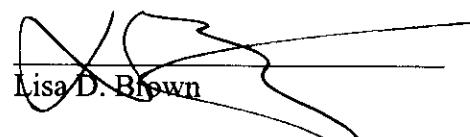
WHEREFORE, the plaintiff State of New Mexico requests the Court to set aside the entry of default and withdraw the Motion for Default Judgment with respect to the above named defendants.

Respectfully submitted,


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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion to Set Aside Default and Withdraw Motion for Default Judgment was mailed to the following persons on ~~July~~ ^{August} 6, 2002.


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